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14 MARCELLUS GREEN

15 UNITED STATES DISTRICT COURT
16
NORTHERN DISTRICT OF CALIFORNIA

17 MARCELLUS GREEN, an individual,

Case No. 3:13-cv-01671-MMC

18 Plaintiff,

**STIPULATED REQUEST TO CONTINUE
MEDIATION COMPLIANCE DATE;
[PROPOSED] ORDER**

19 v.

20 DEPUTY R. BETZ, individually and in his
21 capacity as a Deputy Sheriff for the County of
Alameda; DOES 1-10, inclusive; individually
22 and in their capacities as Deputy Sheriffs for the
County of Alameda,

23 Defendants.

24
Hon. Maxine M. Chesney

1 Defendant DEPUTY R. BETZ, deputy sheriff for the County of Alameda, and plaintiff
2 MARCELLUS GREEN, hereby stipulate as follows:

3 1. The parties respectfully request at this time, due to the unavailability of the parties and
4 mediator Mr. Richard Wiebe, that the Mediation Compliance Date be continued for the following
5 reasons:

6 (a) On November 5, 2013, the parties were assigned by the Court to Mediator Richard
7 Wiebe. Since December 2013, the parties have been conferring with Mr. Wiebe on available and
8 appropriate dates for mediation.

9 (b) Due to the need for the parties to complete required and outstanding discovery
10 before mediation, including necessary deposition which included traveling out of the bay area, the parties
11 were unable to comply with the September 27, 2013 order to complete mediation by March 27, 2013 and
12 filed a Stipulated Request to Continue Mediation Compliance Date on February 18, 2014.

13 (c) On February 19, 2014, the Court extended the Mediation Compliance Deadline to
14 June 13, 2014.

15 (d) On February 28, 2014, Mr. Wiebe informed counsel that his availability was
16 limited from the middle to the end of May and the first week of June and requested that counsel provide
17 their availability for mediation for June 9 through 13, 2014.

18 (e) On April 9, 2014, defendant's counsel informed Mr. Wiebe and plaintiff's counsel
19 of defendant's availability for mediation on June 9th and 11th.

20 (f) On April 9, 2014, following defendant's counsel's correspondence regarding
21 availability for mediation, plaintiff's counsel informed Mr. Wiebe and defendant's counsel that plaintiff
22 was not available the week of June 9th due to plaintiff's counsel's trial schedule. Plaintiff's counsel
23 indicated that he was available for mediation the first week of June.

24 (g) A number of dates in the first and second week of June were discussed among the
25 parties and Mr. Wiebe as potentially available for mediation. None of the dates exchanged were available
26 for all necessary and involved parties.

27 (h) On May 19, 2014, in a further attempt to determine an appropriate and agreeable
28 date for mediation, defendant requested plaintiff provide any dates between that day and the mediation

1 compliance deadline of June 13, 2014 that plaintiff would be available to attend mediation. Plaintiff
2 replied on May 20, 2014 that they were available on June 9, 10, and 11, 2014.

3 (i) On May 27, 2014, Mr. Wiebe informed the parties that he had been summoned for
4 jury duty the week of June 9, 2014.

5 (j) Plaintiff resides outside of the bay area thus further complicating the scheduling of
6 mediation due to his traveling issues.

7 2. Due to the schedules of the parties' counsel, the mediator, and the plaintiff, the parties
8 have been unable to schedule mediation.

9 3. In anticipation of the Court's approval of this stipulation, defendant's requested and Mr.
10 Wiebe provided his availability for the last two weeks of July, 2014.

11 4. On June 12, 2014 the parties agreed to stipulate to an extension of the mediation
12 compliance deadline, subject to the Court's approval, to accommodate the parties' and the mediator's
13 schedules.

14 5. A further extension of the mediation compliance date is therefore necessary for the parties
15 to complete mediation. Absent a continuance, the parties will be unable to participate in mediation prior
16 to the currently set deadline of June 13, 2014.

17 6. The parties therefore stipulate to extend the time for the parties to comply with mediation
18 through and including August 29, 2014.

19 7. This extension will not alter any event or deadline already fixed by Court order.

20 8. The parties respectfully request that the Court approve this stipulation and incorporate its
21 terms in an Order

22 **IT IS SO STIPULATED.**

23
24 Dated: June 12, 2014

LAW OFFICES OF JOHN L. BURRIS

25 By: /s/ Dewitt Lacy
26 John L. Burris
27 DeWitt Lacy
28 Attorneys for Plaintiff
MARCELLUS GREEN

1 Dated: June 12, 2014

BERTRAND, FOX & ELLIOT

2 By: /s/ Michael C. Wenzel
3 Michael C. Wenzel
4 Attorneys for Defendants
DEPUTY R. BETZ

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7 **[PROPOSED] ORDER**

8 Upon the foregoing Stipulation, and for good cause shown, IT IS ORDERED that the mediation
9 compliance deadline shall be extended to August 29, 2014.

10 Dated: June 13, 2014

11 
12 Maxine M. Chesney
13 UNITED STATES SENIOR DISTRICT JUDGE

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